

Senate Study Bill 1026 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

- 1 An Act relating to the use of child restraint devices by
- 2 certain children traveling in motor vehicles.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.446, subsections 1 and 2, Code 2023,
2 are amended to read as follows:

3 1. *a.* A child under ~~one year~~ three years of age and
4 weighing less than ~~twenty~~ thirty pounds who is being
5 transported in a motor vehicle subject to registration, except
6 a school bus or motorcycle, shall be secured during transit in
7 a rear-facing child restraint system that is used in accordance
8 with the manufacturer's instructions.

9 *b.* A child under ~~six~~ eight years of age who does not meet
10 the description in paragraph "a" and who is being transported
11 in a motor vehicle subject to registration, except a school
12 bus or motorcycle, shall be secured during transit by a
13 child restraint system that is used in accordance with the
14 manufacturer's instructions.

15 2. A child at least ~~six~~ eight years of age but under
16 eighteen years of age who is being transported in a motor
17 vehicle subject to registration, except a school bus or
18 motorcycle, shall be secured during transit by a child
19 restraint system that is used in accordance with the
20 manufacturer's instructions or by a safety belt or safety
21 harness of a type approved under [section 321.445](#).

22 Sec. 2. Section 321.446, subsection 3, paragraph d, Code
23 2023, is amended by striking the paragraph.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill relates to the use of child restraint devices by
28 certain children traveling in motor vehicles, including child
29 restraint systems, safety belts, and safety harnesses.

30 Current law requires a child under one year of age and
31 weighing less than 20 pounds who is being transported in a
32 motor vehicle subject to registration, except a school bus
33 or motorcycle, to be secured during transit in a rear-facing
34 child restraint system that is used in accordance with the
35 manufacturer's instructions. The bill extends this requirement

1 to a child under three years of age and weighing less than 30
2 pounds.

3 Current law also requires a child under six years of age,
4 who is not subject to the above requirement, and who is being
5 transported in a motor vehicle subject to registration, except
6 a school bus or motorcycle, to be secured during transit by
7 a child restraint system that is used in accordance with the
8 manufacturer's instructions. The bill extends this requirement
9 to children under eight years of age.

10 Accordingly, the bill requires a child at least eight years
11 of age (instead of six) but under 18 years of age who is being
12 transported in a motor vehicle subject to registration, except
13 a school bus or motorcycle, to be secured during transit by
14 a child restraint system that is used in accordance with the
15 manufacturer's instructions or by an approved safety belt or
16 safety harness.

17 The bill strikes a provision that exempts children occupying
18 the back seat of a motor vehicle from having to be secured
19 during transit by a child restraint system, safety belt, or
20 safety harness if no safety belt is available because all
21 safety belts are being used by other occupants or cannot be
22 used due to the use of a child restraint system in the seating
23 position for which a belt is provided.

24 A violation of Code section 321.446 is punishable by a
25 scheduled fine of \$135. The department of transportation is
26 prohibited from considering a violation of Code section 321.446
27 in determining an offender's driver's license suspension under
28 Code section 321.210 or habitual offender status under Code
29 section 321.555.